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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/853,325	05/10/2001	Naoya Suzuki	275756US6	5864
22850 7590 02/27/2008 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER				
LUU, LE HIEN				
ART UNIT		PAPER NUMBER		
2141				
NOTIFICATION DATE		DELIVERY MODE		
02/27/2008		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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## Office Action Summary

**Application No.**

09/853,325

**Applicant(s)**

SUZUKI, NAOYA

**Examiner**

Le Luu

**Art Unit**

2141

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 15-17 and 19-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 15-17 and 19-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

1. Claims 1-4, 15-17, and 19-24 are presented for examination.
2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 15-17, and 19-24 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Cloutier et al. (Cloutier) patent no. 6,535,586.

4. As to claim 15, Cloutier teaches the invention substantially as claimed, including a mobile communication terminal (Fig 1; col. 3 line 62 - col. 4 line 25; Cloutier teaches wireless communication device 170 can be cell phone, PCS device, a personal computer with wireless capabilities, or any wireless communication device equipped with transceiver and antenna inherently include transmitter and receiver), comprising:

a receiving unit configured to receive a mail-arrival notifying signal together with a summary of an electronic mail to make a notice that said electronic mail arriving at a prescribed mail server is an urgent mail (col. 4 line 15 - col. 5 line 23; col. 5 lines 40-60; the wireless communication device receives alert of high priority message with a summary of the message arriving at e-mail server 110 using POP3 or IMAP);

a transmitter configured to transmit an acquisition instructing signal to a remote information processing apparatus to instruct said information processing apparatus to

acquire said urgent mail including an attached file (col. 4 line 15 - col. 5 line 23; col. 5 lines 40-60; col. 6 line 36 - col. 8 line 21; the wireless communication device transmits command to messaging system server 120 to have the messaging system server retrieved said high priority e-mail message including attached file from the e-mail server 110 using POP3 or IMAP).

a sound generation unit (Fig 1; col. 3 line 62 - col. 4 line 25; Cloutier's wireless communication device 170 inherently includes sound generation unit).

However, Cloutier does not explicitly teach configuring a sound generation unit to generate a predetermined mail-arrival sound from a speaker of the mobile communication terminal in response to reception of the mail-arrival notifying signal.

Official Notice is taken that configure sounds and audio devices properties to generate a predetermined new mail arrival notification sound from a speaker of a device in response to reception of the new mail arrival notification signal is well-known.

It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to combine well-known teaching with the teachings of Cloutier to configure a sound generation unit to generate a predetermined mail-arrival sound from a speaker of the mobile communication terminal in response to reception of the mail-arrival notifying signal because it would alert users of new mail just arrives.

5. As to claims 16-17, Cloutier teaches said receiving unit is configured to receive said mail-arrival notifying signal over a public radio circuit network, and said receiving unit is configured to receive said mail-arrival notifying signal from a prescribed mail-

arrival monitoring apparatus which judges an electronic mail arriving said mail server, by radio communications for short distance (col. 2 lines 30-49; col. 3 lines 11-19).

6. As to claim 19, Cloutier teaches said transmitter is configured to transmit said acquisition instructing signal including a Message-ID of an electronic mail that is judged as an urgent mail, included in said mail-arrival notifying signal (Abstract; col. 7 line 25 – col. 8 line 21).

7. As to claim 20, Cloutier teaches said transmitter is configured to transmits said acquisition instructing signal to a prescribed information processing apparatus by radio communications for short distance, in response to an operation button which is operated by a user to instruct transmission of said acquisition instructing signal (col. 2 lines 30-49; col. 6 line 36 - col. 8 line 21).

8. As to claim 21, Cloutier teaches an information processing apparatus (Fig 1, messaging system server 120 and its description), comprising:

a receiving unit configured to receive an acquisition instructing signal transmitted from a remote prescribed mobile communication terminal, according to a mail-arrival notifying signal to make a notice that an electronic mail arriving a prescribed mail server is an urgent mail (col. 4 line 15 - col. 5 line 23; col. 5 lines 40-60; col. 6 line 36 - col. 8 line 21; the messaging system server 120 receives command from the wireless

communication device to retrieve said high priority e-mail message from the e-mail server 110 using POP3 or IMAP); and

a mail acquiring unit configured to acquire said urgent mail including an attached file from said mail server in response to said acquisition instructing signal received from said mobile communication terminal (col. 4 line 15 - col. 5 line 23; col. 5 lines 40-60; col. 6 line 36 - col. 8 line 21; the messaging system server 120 retrieves said high priority e-mail message including an attached file from the e-mail server 110 using POP3 or IMAP).

However, Cloutier does not explicitly teach said receiving unit is configured to output a wake-up instruction to a power control unit to force the power control unit to supply power to respective circuits of the information processing apparatus.

Official Notice is taken that configure a receiving unit to output a wake-up instruction to a power control unit to force the power control unit to supply power to respective circuits of a computer is well-known.

It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to combine well-known teaching with the teachings of Cloutier to configure a receiving unit to output a wake-up instruction to a power control unit to force the power control unit to supply power to respective circuits of the information processing apparatus because it would save power consumption when the information processing apparatus is idle.

9. As to claims 1-4 and 22-24, limitations of claims 1-4 and 22-24 that are similar to limitations of claims 15-17 and 19-21 are being rejected under the same rationale. In

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additional, Cloutier teaches mail arrival monitoring apparatus (col. 3 line 20 - col. 5 line 23; col. 5 lines 40-60; col. 6 line 36 - col. 8 line 21).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Le H. Luu whose telephone number is 571-272-3884. The examiner can normally be reached on 7:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharja can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Le Luu/  
Primary Examiner, Art Unit 2141